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COMMITTEE AGAINST TORTURE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION

Supplementary reports of States parties due in 1992

Addendum

ARGENTINA*

[29 June 1992]

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* The initial report submitted by the Government of Argentina is contained in document CAT/C/5/Add.12/Rev.1; for its consideration by the Committee, see documents CAT/C/SR.30 and 31 and the Official Records of the General Assembly, forty-fifth session, Supplement No. 44 (A/45/44), paras. 150-174.

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I. BACKGROUND INFORMATION

A. Legal framework

1. The general legal framework of the Argentine Republic is basically the same as that described in the initial report submitted to the Committee against Torture on 11 August 1989 (CAT/C/5/Add.12 and Rev.1*), paragraphs 1 to 23.

2. The provisions of the 1853 National Constitution continue to be valid in their entirety. The states of emergency which gave rise to the declaration of the state of siege suspending the rights and guarantees of the citizens on two occasions did not hamper full respect for the principles embodied in the Constitution before, during or after the state of siege.

National laws

3. With regard to national laws, account must be taken of a major change in respect of the above-mentioned report and relating to the substantive criminal legislation applicable throughout the territory of the Republic.

4. Act No. 23,984 was adopted on 21 August 1991; its article 1 provides that the Code of Penal Procedure, which is an integral part of the Act, is to be complied with as a national law. The main provisions of the Act will be discussed in the relevant part of the chapter dealing with the articles of the Convention.

5. At the request of the General Department of Human Rights and Women of the Ministry of Foreign Affairs and Worship, National Executive (PEN) Decree No. 70/91 established a compensation scheme for persons who were held at the disposal of PEN before the restoration of democracy. The benefits set forth in the Decree became part of national law following parliamentary approval on 27 November 1991.

6. This Decree, promulgated as Act No. 24,043 on 23 December 1991, provides:

"Article 1

> Any persons who, during the state of siege, were placed at the disposal of the National Executive, by its decision, and any civilians who were detained on the orders of the military courts, whether or not they initiated proceedings for damages, may claim the benefits of this Act, provided that they have not received any compensation as a result of a court judgement in connection with the acts referred to herein."

7. The requirements for claiming the benefits of article 2 of Act No. 24,043 are as follows:

> "(a) The persons in question must have been placed at the disposal of the National Executive before 10 December 1983.

(b) If they are civilians, they must have been deprived of their freedom on the orders of the military courts, whether or not they were convicted in those courts."

8. Special reference should be made to the benefit provided for in the Compensation Act, which reads:

"Article 4

The benefit provided for in the present Act shall be equal to one thirtieth of the monthly salary paid to the civilian staff of the national public administration in the highest category on the scale ... for each day that the measure referred to in article 2, paragraphs (a) and (b), lasted, in respect of each beneficiary ...

... For the purpose of computing the period referred to in the preceding paragraph, account shall be taken of the Executive order which decreed the measure or the actual arrest not ordered by a competent judicial authority and of the order which cancelled the measure, either on an individual basis or as a result of the termination of the state of siege ...

If the above-mentioned persons died during the period while the measure referred to in article 2, paragraphs (a) and (b), was in effect, the benefit shall be determined as indicated above, the period of time being computed until the time of death. In such cases, the benefit shall be increased, on account of the mere fact that death occurred, by an amount equivalent to that provided for in the Act for five years while the measure referred to in article 2, paragraphs (a) and (b), was in effect.

The benefit payable to persons who, in similar circumstances, suffered very serious injury, as classified by the Penal Code, shall be increased, on account of this fact alone, by an amount equivalent to that provided for in the preceding paragraph, less 30 per cent."

B. Protection provided by the existing legal system

International protection

9. Reference should be made to paragraph 24 of the initial report. Account should also be taken of the entry into force for Argentina of the Convention on the Rights of the Child on 2 January 1991 and, in addition to the existing legislation, the provisions of this international instrument on the prevention and punishment of the torture and other cruel, inhuman or degrading treatment of minors.

Possibility of extending protection

10. Reference should be made to paragraphs 25 to 27 of document CAT/C/5/Add.12/Rev.1* and to Act No. 23,984 establishing the Code of Penal Procedure, as referred to above.

C. Applicability of the guarantees

11. See paragraphs 28 to 33 of the initial report of Argentina.

D. Competent authorities

12. Reference should be made to the list of authorities which have competence and/or jurisdiction for the matters dealt with by the Convention, as contained in the initial report (CAT/C/5/Add.12/Rev.1*, para. 34).

13. Attention should nevertheless be drawn to the role of the Office of the Attorney General of the Nation, which monitors the Government's powers in matters relating to the lack of jurisdictional response to complaints about the crimes referred to in articles 144, 144 (2) and 144 (3) of the Penal Code.

E. Available remedies

14. In addition to the information provided in paragraphs 35 to 40 of the initial report of Argentina describing the domestic remedies available to persons who claim to have been victims of torture or other cruel, inhuman or degrading treatment or punishment, in the cases where compensation is due to any persons who were victims of such punishment, article 3 of Act No. 24,043 states:

> "The application for the benefit shall be submitted to the Ministry of the Interior, which shall promptly ascertain whether the conditions laid down in the preceding articles have been met and how long the measure referred to in article 2, paragraphs (a) and (b), was in force."

F. The present situation

15. The Argentine Government draws attention to the promulgation of Act No. 23,984, which was being discussed by the legislature as a bill at the time of the submission of the initial report to the Committee against Torture and is now in force, together with the provisions of Act No. 23,338, which adopted the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

16. Mention must be also made of the importance of the amicable settlement reached by the Government and the persons who claimed to have been subjected to torture and other cruel, inhuman or degrading treatment or punishment as a result of the adoption of the above-mentioned Act No. 24,043, which recognizes that financial compensation should be paid to such persons and whose features make it an instrument of unprecedented orginality in the inter-American context. Compensatory payments have been made in the first cases submitted under this Act.

II. INFORMATION ON EACH OF THE ARTICLES OF PART I OF THE CONVENTION

Information on new measures and new developments related to the application of the Convention

Article 2

17. With regard to the obligation of the Argentine Republic to take effective legislative measures to ensure compliance with the provisions of the Convention, as provided in paragraph 1 of this article, the legislation referred to in paragraph 45 of the preceding report (CAT/5/Add.12/Rev.1) is still in force.

18. Since 10 July 1989 additional regulations of a general nature have been adopted to supplement the existing ones:

Inter-American Convention to Prevent and Punish Torture (1985), which has been in force in the country since 30 April 1989;

Convention on the Rights of the Child (1989), which has been in force in the country since 4 January 1991;

Code of Penal Procedure (applied by the criminal courts of the federal capital and the federal courts throughout the country), adopted by Act No. 23,984, which will enter into force within one year of its promulgation, which occurred on 4 September 1991. After that, when the relevant basic law has been amended the courts and other bodies responsible for its application will be established.

19. With regard to the prohibitions set out in paragraphs 2 and 3 of this article, no changes have been made other than those already reported.

Article 3

20. Effect has been given to the prohibition on expelling, returning or extraditing a person to another State when there are substantial grounds for believing that he would be in danger of being subjected to torture by means of new provisions which were adopted during the period under review and are described below.

21. On 2 February 1990, the National Executive enacted Decree No. 251/90 on the procedure to be followed by the Ministry of Foreign Affairs and Worship before taking legal action on a request for the extradition of a foreigner. The Decree states that "before taking legal action on a request for the extradition of a foreigner, the Ministry of Foreign Affairs and Worship shall determine whether the person concerned has refugee status" (art. 1) and that "when the competent body of the National Executive has recognized the refugee status of the person concerned and the extradition request is made by the authorities of the country which caused the person to seek asylum, no further action shall be taken and the request shall be returned to the Government or judge who issued it with an indication of the reasons preventing the necessary steps from being taken in respect of it" (art. 2). The Decree also states

that "if refugee status is recognized by the National Executive during the extradition proceedings, the Ministry of Foreign Affairs and Worship shall bring the decision to the attention of the competent judicial authority and the Attorney-General of the Nation" (art. 6).

22. The extradition treaty signed by the Argentine Republic and Australia in Buenos Aires on 6 October 1988 entered into force on 15 February 1990. Article 3 (2) (d) of this treaty provides that the extradition request can be refused "if the offence in respect of which extradition is requested is one that is liable to the type of punishment referred to in article 7 of the International Covenant on Civil and Political Rights". It should be recalled that that provision states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation".

23. Article 10 of the Treaty on Extradition and Judicial Assistance in Criminal Matters, which was signed by Argentina and Spain on 3 April 1987 and entered into force on 15 July 1990, provides that "extradition shall not be granted if the offences giving rise to it are punishable by the death penalty, life imprisonment or penalties or security measures which harm the physical integrity of the person concerned or expose him to inhuman or degrading treatment. However, extradition may be granted if the requesting State provides sufficient guarantees that the person concerned will not be executed, that the maximum prison sentence to be served will be immediately below that of life imprisonment and that he will not be subjected to punishment that is harmful to his physical integrity or to inhuman or degrading treatment".

Article 4

24. There were no amendments to the substantive provisions of the Penal Code during the period under review.

25. These provisions were applied by the Judiciary in the following cases:

(a) Case No. 75,787 A, brought before Federal Court No. 1 in the city of Mendoza on 23 May 1991, in which the accused, a police officer in the Province of Mendoza, was given a suspended sentence of one year's imprisonment and sentenced to specific disqualification for two years because he was considered guilty of the crime covered by article 144 (2) of the Penal Code as a result of acts committed in November 1988. The sentence has been under appeal in the Mendoza Federal Appeals Court since July 1991.

(b) Case No. 42,756B brought before the above-mentioned court on 23 March 1992, in which one of the accused, an officer of the provincial prison service (the other is a fugitive from justice), was given a suspended sentence of one year's imprisonment and sentenced to specific disqualification because he was considered guilty of the crime covered by article 144 (3) of the Penal Code as a result of acts committed in May 1988. The sentence is final.

(c) Case No. 4,199, in the registry of National Criminal Trial Court of First Instance "B", on 22 July 1991, in which two federal police officers were sentenced. One was sentenced to imprisonment for two and one half years and 10 years' disqualification as being guilty of the crime of harassment combined with indecent assault and minor injuries against a female detainee. The other was sentenced to imprisonment for one year and three months' and 10 years' specific disqualification for concealment on account of failure to report an offence. The acts in question were committed in September 1990. The case has been pending an appeal since October 1991 in the National Criminal and Appeal Court of the Federal Capital.

Article 5

26. The information contained in paragraphs 63 to 67 of the preceding report on the exercise by the Argentine Judiciary of jurisdiction in the matter of the offences referred to in article 4 of the Convention is still valid.

27. It should be noted that the existing guidelines and principles in this regard have been confirmed in the provisions of the Code of Penal Procedure that will enter into force in September 1992. Article 18 of this Code states: "Jurisdiction in criminal matters is exercised by any judges and courts which the National Constitution and the law shall establish and shall extend to any crimes committed in Argentine territory or on the high seas on board national vessels, when they put into a port of the capital, and to any crimes committed abroad when they have an effect in our country or to crimes committed by agents or employees of Argentine authorities in the discharge of their duties, with the exception of crimes that come within the jurisdiction of military courts. It cannot be postponed and also extends to trials of offences committed within the same jurisdiction. The same principle shall apply to crimes and offences which come within federal jurisdiction, wherever the court may sit".

Article 6

28. Information on this provision is given in annex I.

Article 7

29. The information contained in paragraphs 69 to 75 of the preceding report is still valid. Account should also be taken of article 5 of Decree No. 251/90 relating to refugees whose extradition is denied because it is requested by the authorities of the country which caused the person to seek asylum. This provision states that, if the (extradition) request is governed by a rule in force in Argentina which makes it an obligation for Argentina to try the case if the extradition request is denied and this obligation is not subject to compliance with other requirements, it will be fulfilled in the courts of the country. If the rule subjects the obligation to try the case to compliance with other requirements, the case will be referred to the competent judge when such requirements have been met.

30. The bilateral extradition treaties which have been concluded by Argentina with Australia and Spain and which allow the parties not to extradite their own nationals provided that the State to which the request is made will, at the request of the other party, try the accused.

Article 8

31. Article 3 of the Treaty on Extradition and Judicial Assistance in Criminal Matters, signed by Argentina and Spain, provides that, under that Treaty, the crimes included in the multilateral conventions to which both countries are parties will also give rise to extradition.

32. The extradition treaty concluded with Australia excludes political offences from its scope. To this end, it provides that the concept of an "offence" does not include an offence in respect of which the contracting parties have assumed or may subsequently assume an obligation to establish jurisdiction or to extradite, in accordance with an international treaty to which both are parties.

Article 9

33. During the period under review, various treaties have been concluded on judicial assistance in criminal matters:

Treaty of Extradition and Judicial Assistance in Criminal Matters with Spain (1987), which has been in force since 15 July 1990;

Convention on Judicial Assistance in Criminal Matters with Italy (1987), which has been in force since 1 August 1991.

Article 10

34. Subject to confirmation of the information on this provision given in paragraphs 81 to 84 of the preceding report, it should be pointed out that, on 20 December 1991, decision No. 1145 of the Ministry of Justice approved new curricula for the institutes responsible for the training and instruction of federal prison service personnel.

35. The programme of the workshop on the duties of prison warders, jailers and shop superintendents, intended for non-commissioned officers of the federal prison service, includes the Universal Declaration of Human Rights and the Code of Conduct for Law Enforcement Officials.

36. The curriculum for officers includes a course on "applied ethics and human rights" and its minimum contents are as follows: the institutionalization of Christian thought; the inquisition and scientific knowledge; the establishment of universities; madness and the poor house; the modern era; the bourgeoisie and industrialization; the origin of prisons in the post-industrial era; from Hegel to Bentham; the concept of human rights; categories; conventions, treaties, covenants and declarations; legal instruments such as the American Convention on Human Rights (Pact of San José, Costa Rica), and the Standard Minimum Rules for the Treatment of Prisoners; and the professional ethics of federal prison service officers and human rights.

Article 11

37. Without prejudice to the fact that the information supplied in paragraphs 85 and 86 of the previous report is still valid, the new provisions

of the Code of Penal Procedure that will enter into force this year are described below.

38. In his message to the Senate when the Act containing the Code of Penal Procedure was adopted, the Minister of Justice said: "We have put an end to the taking of unprepared statements by the police. In so doing, we are following the clear practice of the courts of our Capital with regard to the inadmissibility of this kind of evidence, precisely in order to guard against the abuses to which the use of the accused person as a source of evidence might give rise". Article 184 of the Code thus provides that police and security officers may not take statements from the accused and that such officers may ask the accused questions only in order to check his identity after having read him his rights and the guarantees which protect him - basically, the right to appoint his lawyer, to elect domicile and to refuse to make a statement. If this procedure is not followed, any action or statement taken will be invalid, without prejudice to the communication to be transmitted by the judge to the officer's superior for the purposes of the appropriate administrative penalty for such serious non-compliance. If the accused gives urgent reasons for making a statement, the police or security officer in charge must inform him that he should make his statement immediately before the competent judge or, in his absence, if for any reason the latter is unable to take his statement, within a reasonable time, before any other examining magistrate who may be summoned for the purpose.

39. With regard to the accused's statement, the new Code provides that, when there are sufficient grounds for suspecting that a person has taken part in the commission of a crime, the judge will question him; if the person is arrested, questioning is done immediately or at the very latest within 24 hours of the arrest. This period may be extended by a further 24 hours if the judge has not been able to take the statement and, if the accused requests him to appoint a lawyer (art. 295), the accused may refuse to make a statement. Under no circumstances will the accused be required to take an oath or promise to tell the truth; no form of duress or threat or any means whatever will be exercised against him in order to compel, induce or convince him to testify against his will; and no charges or counter-claims will be made against him for the purpose of obtaining his confession. Failure to observe this rule will make the act null and void, without prejudice to the relevant criminal or disciplinary liability (art. 296). Following questioning for the purpose of identification (art. 297), the judge will inform the accused in detail of the offence with which he is charged and the evidence against him and also that he may refrain from making a statement, without his silence implying a presumption of guilt (art. 298). After the statement, the judge may ask the accused any questions he deems appropriate, without deceit or suggestion. If, on account of the length of the proceedings, the accused shows any signs of fatigue or of being disturbed, the statement will be suspended until such signs have disappeared (art. 299).

Article 12

40. Paragraphs 87 to 90 of the previous report described the various courses open to victims for making a complaint, as well as the legal investigation mechanisms, all of which are still in effect today.

41. On 24 October 1991, under decision No. 36/91, the Attorney-General of the Nation instructed court prosecutors to order public prosecutors in courts of first instance with jurisdiction in criminal cases to comply faithfully with their obligations, placing special emphasis on the performance of their duties with a view to exhausting all means of obtaining evidence in the investigation of the unlawful acts characterized by article 144 (illegal deprivation of freedom committed by a public official), article 144 (2) (unlawful coercion) and article 144 (3) (torture) of the Penal Code. This instruction was adopted following the report of the National Department of Human Rights of the Ministry of the Interior in which attention was drawn to cases of unlawful coercion and the Department considered that the investigation of the facts should have been more efficient.

42. On 15 January 1992, under decision No. 2/92, a register of violations of articles 144 (2) to 144 (5) of the Penal Code (unlawful coercion and torture) was set up under the jurisdiction of the Office of the Attorney-General of the Nation. In view of the need to assemble the data required for the proper identification of offenders and the procedure established for cases involving unlawful coercion and torture, so that the work of the Public Prosecutor's Department may be better organized, this computerized register is a database that will contain all the information transmitted by the prosecutors. Its practical purpose is to follow up the court cases in which these crimes are investigated and take note of the judgements handed down. When the criminal court cannot impose penalties on the guilty official because the offence is not defined in the Code, the register will make it possible to institute the appropriate administrative proceedings in order to determine whether the official is guilty of failing to carry out his duties. The administrative pre-trial proceedings may result in exemption of the person under investigation from liability or the imposition of penalties (transfer, suspension, redundancy, dismissal). The measure in question was adopted after it was established that most complaints of unlawful coercion - an offence in Argentina corresponding to that referred to in article 16 of the Convention - brought before the Judiciary ended with the dismissal of the case because the conditions for the classification of the offence had not all been met.

Article 13

43. With regard to the right of persons who claim to have been victims of torture to lodge a complaint with the authorities and have their cases promptly and impartially investigated, reference should be made to paragraphs 35 to 40 and 91 of the previous report.

44. As far as the second sentence of article 13 of the Convention is concerned, the provisions of the Code of Penal Procedure that will take effect this year are given below. The Code fills a gap indicated in the most important legal writings, introducing the following provisions concerning the full protection of victims and witnesses:

"Article 79

From the beginning until the end of a criminal trial, the State shall guarantee the victims of a crime and the witnesses summoned by a judicial body to appear in the case full respect for the following rights:

(a) The right to decent and respectful treatment by the competent authorities;

(b) The right to payment of expenses for travel to the place to be decided by the competent authority;

(c) The right to protection of their physical and moral integrity and that of their families;

(d) The right to be informed of the results of the trial in which they took part;

(e) If the person in question is over 70 years of age, a pregnant woman or seriously ill, the right to appear in court in his/her place of residence; notice of such a circumstance must be communicated to the competent authority in due time.

Article 80

Without prejudice to the provisions of the preceding article, the victim of the crime shall have the right:

(a) To be informed by the appropriate office of the options he may exercise during the criminal trial, especially that of bringing criminal proceedings or lodging a complaint;

(b) To be kept informed of the progress of the case and the situation of the accused;

(c) If the victim is a minor or legally incompetent, the judicial body may authorize him to be accompanied by a trustworthy person during the trial proceedings in which he is involved, provided that this does not jeopardize the possibility of ascertaining the truth about what occurred.

Article 81

The rights recognized in this chapter shall be stated by the competent judicial body at the time the first summons to appear is issued to the victim and the witness."

Article 14

45. In addition to the substantive provisions referred to in the previous report, the following provisions on compensation measures will apply when the Code of Penal Procedure enters into force.

"Article 14

A civil suit for the restitution of the thing obtained by means of the crime and a civil compensation claim may be brought only by the owner of the thing or by his heirs in respect of their hereditary share,

his legal representatives or agents, against those who participated in the crime and, where necessary, against the person who has civil responsibility, in the same court in which the criminal suit was brought.

Article 16

A civil suit may be brought only during the trial while the criminal suit is pending.

The dismissal of the case shall not prevent the criminal court from expressing an opinion on the civil suit in its judgement.

Article 17

If the criminal suit cannot proceed because of legal grounds, the civil suit may be brought in a civil court."

Article 15

46. In this connection and in respect of the rule of exclusion referred to in the previous report, the provisions of the Code of Penal Procedure states:

"Article 296

The accused person may refuse to make a statement.

On no account shall he be required to take an oath or promise to tell the truth nor shall any form of duress or threat or any means whatever be used to compel, induce or convince him to testify against his will nor shall any charges or counter-claims be made to obtain his confession.

Failure to observe this rule shall make the act null and void, without prejudice to the relevant criminal or disciplinary liability."

47. The judicial proceedings in the following case deserve to be dealt with separately: on 20 May 1986, a man who went to the Central Federal Police Department to collect his passport and identification card, which had been processed 60 days before, was informed that he should collect them from the office of stolen property. He went there and was questioned in a contemptuous manner by the officer in charge, locked up, given electric shocks and shown in a prisoner line-up. Finally, he was brought before the examining magistrate for "having confessed" to committing the crime of armed robbery of a car dealership. He refused to make a statement before the judge, but, as the proceedings went on, he reported what had happened and that he had been threatened with reprisals against his family if he told what had happened. The investigation to determine whether the crime of torture could have been committed against the accused was conducted by Criminal Investigation Court of First Instance No. 8 in the Federal Capital and ended on 17 November 1986 with a stay of proceedings because it could not be sufficiently proven that the crime had actually been committed. In the criminal proceedings, the judge handed down a ruling on 29 May 1987 acquitting the accused because he deemed

his statement credible and because he thought that the alleged "confession" to the police of having committed the crime was invalid. On 7 July 1987, the National Criminal and Appeal Court for Correctional Cases of the Federal Capital agreed to the withdrawal of the appeal submitted by the prosecutor and upheld the lower court's ruling, making the judgement final.

Article 16

48. All the information provided on the crime of torture (art. 144 (3) of the Penal Code) is similar, in terms of procedures, resulting proceedings and legal consequences, to that provided on unlawful coercion.

Annex

SOURCES OF INFORMATION CONSULTED, ADDITIONAL INFORMATION AND STATISTICS

1. Some clarifications are important for the analysis of information on complaints alleging the commission of crimes of torture or cruel, inhuman or degrading treatment or punishment and the way they are subsequently dealt with.

2. In the Argentine Republic, no unified statistics are kept to give a general idea of the situation in the country with regard to complaints, trials and sentences. This is partly the result of the federal system, which guarantees each province autonomy in the administration of justice (art. 5 of the National Constitution). Consequently, even though all the courts in the country apply the same basic rules, namely, the Penal Code, court registers depend on the head of the judiciary in each province.

3. It should nevertheless be noted that the Register of Unlawful Coercion and Torture (see below) assembles information from national courts throughout the country, i.e. those of the Federal Capital and those with federal jurisdiction throughout the country. The act establishing the Register makes it an obligation for members of the Government Attorney's Office (prosecutors) to report such cases and their status to the officer in charge of the Register.

4. In addition, within the jurisdiction of the Federal Capital, the National Criminal and Appeal Court for Correctional Cases keeps its own registers based on the information supplied to it by the courts of first instance within its jurisdiction. This information is received by the office of the assistant secretary of the board of the Court and the reports are submitted every six months to the Office of the President of the Court.

5. In addition to these clarifications on the sources of information consulted, it is important to look at some of the issues relating to the content of the information provided:

(a) Without prejudice to differences in statistical figures, it should be pointed out that, of the total number of complaints received from each source, injuries were proved in only 60 per cent of cases;

(b) Beating is alleged in most cases, but this does not always prove that the crimes referred to in articles 4 and 16 of the Convention were actually committed.

The reason is that, in a number of cases, resistance to arrest by the person concerned has resulted in injuries for which his guard cannot be held responsible. Moreover, the rule of law has promoted the exercise of the right of complaint. In addition, the removal of documents from the records for the purpose of establishing a case file in order to conduct pre-trial proceedings is an interesting delaying tactic.

6. In any case, the purpose of keeping the Register of Unlawful Coercion and Torture (see below), which was started in January 1992, is to provide information which will lead to more effective prevention work and the appropriate punishment of these unlawful acts and, consequently, to a better understanding of the general situation.

Information on the Register of Unlawful Coercion and Torture of the Office of the Attorney General of the Nation

7. On 10 June 1992, with information lacking from only three federal prosecutors' offices, 293 cases with the following status were recorded in the Register of Unlawful Coercion and Torture:

38 cases with a provisional stay of proceedings;

8 cases with a dismissal of proceedings;

3 cases with an order for pre-trial detention;

4 cases at the trial stage;

4 cases with a sentence that is not final;

236 cases pending.